

**REMARKS/ARGUMENTS**

This response is made to the most recent rejection dated October 26, 2009. Claims 20-37 are pending in this application

Claims 20 and 29 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It seems that the Examiner did not understand “a said curved portion” in each of the claims. Now, the claims reflect that “said curved portion” is claimed. Entry of this amendment would certainly narrow any issues for appeal, so its entry is respectfully requested.

Claims 20-29 were rejected under 35 USC § 102(e) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Globerman, U.S. 5,776,161. As a preliminary matter, it seems that the rejection is written as if all the claims 20-37 were rejected using Globerman. Applicants have treated this rejection as such. Regarding the rejection itself, it is respectfully submitted that the Examiner has oriented the stent in Globerman incorrectly. For instance, the “ring” “ABCD” is *neither* a “cylindrical ring” nor a “cylindrical spring,” as claimed. It does not lie along the longitudinal axis, but rather lies orthogonal to the longitudinal axis. This can best be seen by taking Figure 27 in conjunction with Figure 20, as required by the Specification of Globerman. In fact, the configuration of Globerman *must* be analogized to the current claims by viewing elements such as ABCD as if it were the connector members of the claims. As a result, these connectors (in Globerman) do not connect a ring or a spring at any of the end portions of the struts of Globerman. These connectors attach somewhere near the middle of a ring or a spring. As a result, the properly construed embodiment of Globerman does not anticipate or render obvious Claims 20-37.

The claims were also rejected under using an obviousness type double patenting rejection. When there are no further art rejections, applicants will consider filing a Terminal Disclaimer.

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/JJ10049USCON/PAC for any such fees.

Respectfully submitted,

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